

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW

73-C-72

Jury demand date: 12-10-74 (Deft. McCoy)

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

ALBERT E. and FRANCES C. MARSHALL;
RONALD CAZEL; LUCILLE MORRIS; LEE SMITH;
GORDON COHLMIA,; JOSEPH S. COHLMIA; and
CHARLES H. BROWNING,
Plaintiffs,

VS

QUAIL CREEK DISTILLERS PRODUCTS, INC., an
Oklahoma Corporation; JEAN C. McCOY;
JAMES H. STOWELL; GENE HERZFELD; H. B.
GUTELIUS, JR.; STEVEN L. SCHLENEGER;
JOHN E. BARBRE; THE ESTATE OF RICHARD A.
McGEE; SHARP & COMPANY, an Oklahoma Corp-
oration; HOLLYWOOD CORPORATE TRANSFER,
INC., an Oklahoma Corporation; JOHN DOE
and RICHARD ROE,
Defendants.

JIMCO, INC., an Oklahoma Corporation,
Addl. Deft 1-3-73
R. L. EVANS; THOMAS G. WATSON; FITZGERALD,
GOWEN & ROBERTS, INCORPORATED, an Oklahoma
Corporation,
Addl. defts. 11-1-74

Joe Sharp, Best, Sharp, Thomas & Glass
Franklin Bldg., Tulsa 74103

Irvine E. Ungerman & Hawley C. Kerr
6th Floor, Wright Bldg., Tulsa

Thomas G. Watson (pro se)
2609 So. 96 E. Ave., Tulsa 74129

Ghas. S. Holmes (Schluneger)
2003 E 15 St., Tulsa 74104 932-4242

For plaintiff:
J. Dennis Ryan, 204 Classen Terrace Bldg
O.C. 73106

405-528-2318

Donald B. Atkins-
611 Philtower Building
Tulsa, Oklahoma 74103

Brian S. Gaskill (Fitzgerald, Cowen &
James C. Lang Roberts, Inc)
Thurston Natl. Bldg.
Tulsa, OK 74103

For defendant:

John R. Couch, PIERCE, COUCH, HENDRICK-
SON, GUST & SHORT, 3200 Lib. Twr., O.C.
73102 (Sharp & Co.)

Ghas. S. Holmes, P.O. Box 4470, Tulsa 74104
(Gutelius & Schlunegar) (Hollywood Tran.)

Phil Frazier, FRAZIER, DYER & PATE
1406 Terrace Drive, Tulsa 74104 (Sharp & Co)

Jack R. Givens, JONES, GIVENS, BRETT, DOYLE
& GOTCHER, 1700 4th Nat'l Bldg., Tulsa,
74119 (Barbre & McCoy)

David O. Harris, 340 Ct. Arcade Bldg., Tulsa
74103 (Quail Creek Dist., Stowell, McGee,
execx., & Herzfeld)

James W. Shepherd, 2305 FNCtr. O.C. (McGee)
NAME OR Midland Center, O.C. 73102
RECEIPT NO. REC. DSB.

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DSB.

NO FEE

J.S. 5 mailed 4-1-73

Clerk

J.S. 6 mailed 8-1-76

Marshal

Basis of Action: Damages re: Fraud. Misrepresent. by mail & IC re: value of assets of co. prep. to exchg of stock to another co.
Action arose at:

Docket fee

use of
Witness fees

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-6-73	c.c. of Order transferring case from the West. Dist. of Oklahoma, filed. (FD-J)r	
3-6-73	Transcript of proceedings from West. Dist. of Oklahoma, filed. (with answers of defts. H. B. Gutelius, Jr., Steven L. Schleneger & Hollywood Corporate Transfer, Inc., filed on 2-6-73; and 11 deft. motions pending)	
3-16-73	Mot. for Enlargement of Time to Plead or Answer, filed. v -order to Judge	
4-5-73	Motion of Sharp & Company to dismiss amended complaint, filed. hm	
4-5-73	Memorandum brief of Sharp & Company in support of motion to dismiss, filed. hm	
4-6-73	Ordered that Pltff. file responsive brief within 10 days to motion of Sharp & Company to dismiss amended complaint. (AEB-J)hm	
4-6-73	Order filed upon application of def. Sharp & Co., they are granted until April 4, 1973 in which to plead or answer to the amended complaint. (AEB-J)h	
4-16-73	Plaintiff's response to defendant Sharp & Co. in support of motion to dismiss, filed. ds	-copies mailed-
4-16-73	Memorandum brief of plaintiffs in response to Sharp & Co.s motion to dismiss, filed. ds	
9-21-73	Ordered by the Court that Pltff. is granted 10 days from this date to respond to Defts.' <u>Motions</u> to Dismiss. (AEB-J)v	
10-2-73	Pltfs' Response to Brief of Defts Gutelius & Schluneger filed 2-9-73, filed. v	
10-2-73	Pltff's Response to the Motions to Dismiss and for more definite statement of Deft., Elizabeth McGee, Executrix of the Estate of Richard K. McGee, filed 1-19-73, filed. v	
10-2-73	Appl. for extension of time in which to respond to Deft.'s Motions, filed. v -order as part of original pldg., all to Judge.	
10-2-73	Pltff's response to Deft. Barbre's Motions file 1-17-73, filed. v	
10-2-73	Pltff's response to deft. McCoy's Motion filed 1-17-73, filed. v	
10-4-73	Order granting plaintiff 10 days from this date to respond to following motions: Mots. of Hollywood Corporate Transfer, Schluneger and Gutelius to dismiss 1st, 2nd & 4th causes of action; of deft. McCoy to dismiss 1st cause, 4th cause, & for definite statement; of deft. Barbre to dismiss 2nd, 3rd & 4th causes & for more definite statement; of deft. McGee to dismiss and fore more definite statement; and renewal of motion of defts. Quail Creek, Stowell, Herzfeld and Est. of McGee to dismiss, filed. (AEB-J)g	
10-24-73	Appl. to withdraw as atty of record filed. h	
10-26-73	Order filed that Charles S. Holmer is allowed to withdraw as attorney of record for defs Quail Creek Dist. Prod., (AEB-J)h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-2-73	Notice given parties that Court will treat Mot. to Dismiss of Deft. Sharp and Co. as a Mot. for S/J, and parties are directed to proceed in conformity w/Rule 56 of FRCP, filed. (AEB-J)v -copies mld.	
12-10-73	Order, filed, Overruling Mtn. to Dismiss for Improper Venue as Moot and Overruling Mtn. for More Definite Statement of Deft. Elizabeth McGee. (AEB-J)jj - copies mailed -	
12-10-73	Order, filed, Overruling Mtn. to Dismiss for Improper Venue as Moot of Defts. Quail Creek Distillers, Stowell, Herzfeld, Elizabeth McGee. (AEB-J)jj - copies mailed -	
12-10-73	Order, filed, Overruling Mtn. to Dismiss First, Third & Fourth causes of action; Order Sustaining Mtn. to Dismiss 2nd cause of action; and Order Overruling Mtn. for more Definite Statement of Deft. Barbre. (AEB-J)jj - copies mailed -	
12-10-73	Order, filed, Overruling Mtn. to Dismiss 1st and 4th Causes of Action; Order Overruling Mtn. for More Definite Statement of Deft. McCoy. (AEB-J)jj - copies mailed -	
12-10-73	Ordered that all defts. listed in above orders shall file an Ans. to the Amended Complaint within 15 days from the date of these Orders. (AEB-J)jj (12-24-73) - co	
12-10-73	Order, filed, Overruling Various Mtns. to Dismiss of Sharp & Company and further Ordered that Deft. Sharp file an Ans. to the Amended Complaint within 15 days from the date of this Order. (12-24-73) (AEB-J)jj - copies mailed -	
12-10-73	Order, filed, Overruling Mtn. for Dis. Conf. as Moot of Defts. Gutelius, Schluneger & Hollywood Corporate etc. (AEB-J)jj - copies mailed- for Failure to Join a Party Under Rule 19	
12-10-73	Order, filed Overruling Mtn. to Dis. 1st Cause of Action/ 2nd and 4th Causes of Action for Improper Venue filed by Deft. and granting deft. Hollywood etc. leave to raise defense within 15 days of this Order (12-24-73) of failure to join an indispensable pty. by amend. to its ans. (AEB-J)jj - copies mailed - as to Schluneger, deft.	
12-10-73	Order, filed, Overruling Mtn. to Dis. 1st & 3rd Causes of Action; Order Sust. Mtn. to Dis. 2nd & 4th Causes of Action; and Order Overruling Mtn. to Strike. Further ordered that Deft. Schluneger is granted 15 days from this order (12-24-73) to raise defense of failure etc. (AEB-J)jj - copies mailed -	
12-10-73	Order, filed, as to deft. Gutelius, Overruling Mtn. to Dis. 1st & 3rd Causes of Action; Order Sustaining Mtn. to Dismiss 2nd & 4th Causes of Action; and Order Overruling Mtn. to Strike. Deft. Gutelius granted leave to raise defense within 15 days (12-24-73) of Order, of failure to join and indispensable pty by amend. to his Ans. (AEB-J)jj - copies mailed -	
12-21-73	- only 3 As have ans so far - Mot Dismiss (S/S) pending - Defts' Appl. for Ext. of Time in which to file answers, filed. a	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-26-73	Appl. for ext. of time in which to file amendments & add additional parties to Pltff's Amended Complaint, filed. v	
12-26-73	Order, filed, allowing extension of time to 1-20-74 to amend compl. (AEB-J)v	<i>copies mld.</i>
12-26-73	Order, filed, granting ext. of time to file answers until 2-9-74. (AEB-J)v	<i>copies mld.</i>
12-26-73	Appl. & ORDER granting Trustee until 12-31-73 to file modified plan of reorganization, filed. (AEB-J)v	<i>copies mld. wrong decret sheet.</i>
1-22-74	Appl. of Pltff., for an extension of time in which to file amended complaint, filed. v (o)	
1-23-74	Order Allowing Extension of Time in Which to File Amended Complaint filed. (AEB-J)e	<i>copies mld.</i>
6-25-74	Entry of appearance on behalf of H. B. Gutelius, Jr., filed. g	
11-1-74	Second amended complaint, filed. hm Summons issued.	
11-8-74	Summons, ret. & filed: served Fitzgerald, Cowen & Roberts, Inc., Tulsa, Ok. 11-4-74; and Thomas G. Watson, Tulsa, Ok. 11-6-74; unserved as to R. L. Evans 11-8-74. (USM \$14.40)g	
11-13-74	Appl. for order enlarging time to plead or ans., filed by deft. Thos. G. Watson. v (o)	
11-13-74	Appl. of Deft. Fitzgerald, Cowen & Roberts, Inc., for enlargement of time in which to plead or ans., filed. v	
11-15-74	Appl. of Defts. Jean C. McCoy & John E. Barbre for order extending time to answer, until 12-10-74, filed. v (o)	
11-18-74	Appl. of Sharp & Co. for ext. of time to answer second amended complaint, filed. g	<i>to bring order</i>
11-19-74	Order, filed, allowing Deft. Ritzgerald, Cowen & Roberts, Inc., until 12-16-74 to answer. (AEB-J)v	<i>-copies mailed.</i>
11-19-74	Order, filed, extending time to file answers until 12-10-74 for Defts., Jean C. McCoy & John E. Barbre, in re 2nd Amend. Compl. (AEB-J)v	<i>-cps mld.</i>
11-19-74	Order, filed, enlarging time for Deft. Thomas G. Watson to ans. until 12-1-74. (AEB-J)v	<i>-copies mailed.</i>
11-19-74	Application of Defendant, H. B. Gutelius, Jr., For Extension of Time to Plead or Answer, filed js	<i>o to J</i>
11-20-74	Order, filed, granting deft. Gutelius until 12-10-74 to answer pltff's second amended complaint. (AEB-J)g	<i>mailed</i>
11-26-74	Order, filed, granting deft. Sharp & Co. additional time til 12-10-74 to plead or answer. (AEB-J)k	<i>cps mld</i>
11-27-74	Answer of Betty McGee, Exec. of Estate of Richard A. McGee to second amended complaint, filed. g	
12-2-74	APPLICATION of Deft. Steven L. Schluneger, for Extension of Time to Plead or Answer, filed. lm	<i>o to J</i>
12-2-74	Appl. for order enlarging time to plead or ans. til 12-16-74, filed by deft. k	<i>o to J</i>

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-3-74	Order, filed, granting deft. Steven L. Schluneger until 12-10-74 to plead or answer to second amended complaint. (AEB-J)g <i>Mark</i>	
12-3-74	Order, filed, granting deft. Thomas G. Watson until 12-16-74 to plead or answer. (AEB-J)g <i>et al Ryan</i>	
12-6-74	Application of deft. H. B. Gutelius, Jr. for ext. of time to plead or answer to second amended complaint, filed. g <i>to ask</i>	
12-9-74	Order, filed, granting H. B. Gutelius, Jr. until 1-7-75 to plead or answer second amended complaint. (AEB-J)g <i>Mark</i>	
12-10-74	Answer to Second Amended Complaint (John E. Barbre) filed. js	
12-10-74	Answer to Second Amended Complaint (Jean C. McCoy) filed. js Deft. McCoy's <u>DEMAND FOR JURY TRIAL</u> .	
12-11-74	Ans. of Deft. Steven L. Schluneger to 2nd amended compl., filed.k	
12-16-74	Ans. of deft., Thomas G. Watson, filed.jj	
12-16-74	Deft. Fitzgerald, Cowen & Roberts, Inc.'s MOTION to dismiss, filed.lm	
12-16-74	Brief in Support of Motion to Dismiss of Deft. Fitzgerald, Cowen & Roberts, filed. lm MO: It is ordered by the Court that plaintiffs are given ten days from this date to respond to deft. Fitzgerald, Cowen & Roberts Motion to Dismiss, (AEB-J) lm	
12-24-74	Appl. for extension of time to respond to Deft., Fitzgerald, Cowen & Roberts, Inc.'s Motion to Dismiss, filed. v <i>to forward o</i>	
12-27-74	Order, filed, granting pltf. til 1-6-75 to respond to brief of Fitzgerald, Cowen & Roberts, Inc. (AEB-J)k cps mld	
1-2-75	Motion of deft H. B. Gutelius, Jr. to Dismiss the Action and Each of the Several Causes of Action set forth in Pltfs' Second Amended Complaint, filed. lm	
1-2-75	BRIEF of deft, H.B.Gutelius, Jr., in Support of his <u>Motions</u> to to Dismiss, filed. lm MO: IT IS Ordered by the Court that plaintiffs are given ten days from this date to respond to deft. H. B. Gutelius, Jr.'s Motions to Dismiss the Action and Each of the Several Causes of Action Set Forth in Plaintiffs' Second Amended Complaint, (AEB-J)lm	
1-7-75	Pltfs' brief in response to motion to dismiss of Fitzgerald, Cowen & Roberts, Inc., filed. g	
1-15-75	Reply brief of def. Fitzgerald, Cowen & Roberts in support of motion to dismiss, filed. rm	
1-16-75	Pltf's response to deft's motion to dismiss by H. B. Guteliue, jr., filed. lm	

(Contd)

DATE	PROCEEDINGS	Date Order or Judgment Note
1-20-75	Reply of def. Gutelius to pltf. response to his mo/dismiss, filed.rm	
2-19-75	Supplemental Brief of Deft., Gutelius, in support of his motion to dismiss, filed. lm	
2-28-75	Answer of Sharp & Company, an Oklahoma Corporation, to pltf's Second Amended Complaint, filed. lm	
3-19-75	MO: Case referred to Mag. Bradford for hrg/rec re pending mots. (AEB-J)k	
4-16-75	Case called for hearing on motions. Parties present. Deft. Sharp & Co. to file brief in support of motion for S/J in 15 days(5-1-75). Motion will be set for 5-14-75, at 9:30 A.M. Defts' Fitzgerald, Cowen & Roberts, Inc., motion to dismiss sustained. Motion of Deft. H. Brooks Gutelius, Jr. to dismiss, sustained. Defts' to prepare order & Findings & recommendations in 5 days.(MLB-Mag) b	
4-18-75	Findings & Recommendations of Magistrate, filed.(MLB-Mag) b cps mld.	
4-22-75	Recommendation of Magistrate that Motions of Deft., H. B. Gutelius, Jr., be sustained, filed.(MLB-Mag) b cps mld	
4-23-75	Motions of the Deft, Steven L. Schluneger, for Summary Judgment as to Each of the Several Causes of Action Set Forth in Plfs 2nd Amended Complaint, filed. mm	
4-23-75	Brief of the Deft, Steven L. Schluneger, in Support of his Motions for Summary Judgment, filed. mm	
	MO: It is ordered by the Court that the Plf file a responsive brief within 10 days to the Motions of the Deft, Steven L. Schluneger, for Summary Judgment as to Each of the Several Causes of Action Set Forth in Plfs Second Amended Complaint. (AEB-J) mm	
4-24-75	Mot. of Deft. McCoy to Dismiss Second Amended Compl., filed. v	
4-24-75	Brief in support, filed. v	
4-25-75	MO: ORDERED by the Court that Pltfs. are granted 10 days from this date to respond to the Mot. of Deft. McCoy to Dismiss Second Amended Compl. (AEB-J)v	
4-24-75	Mot. of Deft. Barbre to Dismiss Second Amended Compl., filed. v	
4-24-75	Brief in Support, filed. v	
4-25-75	MO: ORDERED by the Court that Pltfs. are granted 10 days from this date to respond to the Mot. of Deft. Barbre to Dismiss Second Amended Compl. (HDC-J)v	
4-29-75	Order, filed, approving F&R of Magistrate and sustaining mots. to dismiss of the deft. H. B. Gutelius, Jr. as to each of the several causes of action set forth in pltfs' second amended compl., entered. (AEB-J)k cps mld	
4-29-75	Order, filed & entered that F&R of Magistrate are approved & the Mot. to Dismiss of deft. Fitzgerald, Cowen & Roberts, Inc. is sustained and the cause is dismissed in its entirety as to said deft. (AEB-J)k cps mld	
5-7-75	Appl. of pltf. for leave to file brief out of time, filed. g	
5-9-75	Amended appl. of pltf. to file responsive brief out of time, filed.rm	
5-9-75	Order, filed, granting leave for pltf. to file responsive brief.(AEB-J)rm	
5-9-75	Responsive brief of pltf. to various mos/dismiss, filed.rm	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-14-75	Case called for hearing on motions before Magistrate. Parties present. Motion of Deft. Barbre to dismiss second amended complaint & motion of Deft. Schluneger for S/J sustained. Findings & recommendations to be filed in 5 days. Motion of Deft. Sharp & Co. for S/J & motion of Deft. McCoy to dismiss passed for purpose of filing briefs. Parties given 10 days from this date to file briefs. To be reset after briefs have been filed.(MLB-Mag) b	
5-22-75	Supplement to Mot. of Deft. McCoy, filed. v	
5-22-75	Brief in support of mot. and supplement thereto, filed. v	
5-23-75	Recommendation of Magistrate that motions of Deft., Steven L. Schluneger be sustained, filed.(MLB-Mag) b	
6-2-75	MO: Ordered by the Court that parties are given 10 days from this date in which to file objections to the Recommendation of Magistrate.(AEB-J)b lts mld	
6-3-75	APPLICATION FOR ORDER DIRECTING ENTRY OF FINAL JUDGMENT IN FAVOR OF THE DEFENDANT, H. B. GUTELIUS, JR., AND DETERMINING THAT THERE IS NO JUST REASON FOR DELAY IN THE ENTRY OF SAID JUDGMENT. FILED. mm <i>over</i>	
6-4-75	MO: It is ordered by the Court that Plaintiff is granted until June 9, 1975, to respond to the Supplement to Mot. of Deft. McCoy filed May 22, 1975. (AEB-J)v	
6-4-75	Motion of the deft. Sharp & Co. for S/J as to each of the several causes of action set forth in pltf's' second amended complaint, filed. hm	
6-4-75	Brief of Sharp & Co. in support of motion for S/J, filed. hm	
6-11-75	Case called for hearing on motions. All mots. were stricken from this docket pending dismissal. (MLB-Mag)v <i>for Dennis Ryan</i>	
6-18-75	Order Sustaining Motions for Summary Judgment of the Defendant, Steven L. Schluneger, filed. (AEB-J) cps mld mm Entered.	
7-8-75	Pltfs' Application for Dismissal without Prejudice, filed. mm	
7-8-75	Plfs' Brief in Support of Voluntary Motion to Dismiss, filed. mm	
7-8-75	MO: It is ordered by the Court that the defendants file a responsive brief within 5 days to the Application for Dismissal without prejudice. (AEB-J) cps mld mm	
7-8-75	Defts. McCoy & Barbre, Objection to Application for Dismissal without Prejudice, filed. mm	
7-8-75	Brief of Defts' McCoy & Barbre in support of objection to Application for Dismissal without Prejudice, filed. mm	
7-7-75	Defts' Fitzgerald, Cowen & Roberts Appli. for Order Directing Final Judgment in Favor of the Deft. Determining that there is no just reason for delay in the entry of said judgment, filed. mm <i>over</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-10-75	Affidavit in Support of Objection to Motion to Dismiss without Prejudice, filed by Defts McCoy and Barbe. mm	
7-11-75	Obj. of deft. H. B. Gutelius, Jr., to pltfs' Appli. for Dismissal without prejudice, filed. lm	
7-14-75	Deft. Elizabeth McGee's response to pltf's appl. for voluntary dismissal, filed. No objection to dismissal. k	
7-16-75	Recommendation of Magistrate that motions of deft. John E. Barbre be sustained, filed. (MLB-Mag.)g	
7-16-75	Objection of Sharp & Company to Pltf's Application for Dismissal without Prejudice, filed. mm	
7-16-75	Brief in Support of Deft. Sharp & Cos. Objection to Plfts Application for Dismissal without Prejudice, filed. mm	
7-22-75	Supplemental to brief of defs., Barbre & McCoy, in support of objs. to appl. for dismissal wo/prej., filed. rm	
7-25-75	Defts. Herzfeld & Stowell's objection to pltfs' appl. for voluntary dismissal w/out prejudice, filed.k	
7-25-75	Brief in support of defts. Herzfelds & Stowell's obj. to pltf's appl. for dismissal w/out prejudice, filed.k	
8-7-75	Suppl. to Obj. of Sharp & Co. to Pltf's Appl. for Dismissal without Prejudice, filed.jj	
11-24	Pltf.s' response brief to Defts.' objections to mot. to dismiss w/o prejudice, filed. v -copy to MC.	
11-26	Judgment in favor of H. B. Gutelius, Jr. and against Pltfs., on second amended complaint, filed & entered. (AEB-J)g <i>Shined</i>	
11-26	Order directing entry of final judgment in favor of deft. Fitzgerald, Cowen & Roberts, Inc., filed & entered. (AEB-J)g <i>Shined</i>	
6-15	MO: Case set for hrg. on pltfs' appl. for dismissal without prejudice filed 7-8-75, and the responses and objections thereto, on 6-22-76 at 10:00 a.m. (AEB-J)k ntc by cert ml	
6-22	Case called for hearing on Pltfs applic. for dismissal w/out prejudice, & the responses & objections thereto. Ryan present for Pltfs. Givens, Shepherd Sharp & J. Gladd for Harris present for Defts. J. Givens sworn & testifies & gives statement of background of case. Statement s made by Ryan, Sharp & Shepherd. Shepherd makes oral request to adopt other defts' motion to dismiss. Ct. rules that Pltfs are to post with Ct. Clerk, as to attys fees, a sum of \$25,000 by Friday noon, June 25, 1976 & Ct. will consider dismissal w/out prejudice & allow atty fees; if not posted Ct. will dismiss w/prejudice. Pltf objects. Mr. Givens to prepare order. (AEB-J)b	

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DATE 1976	PROCEEDINGS	Date Order or Judgment Noted
6-22	MO: Upon oral application of the Defendants, IT IS ORDERED that the Plaintiffs are given until 6-30-76, at 12:00 noon to deposit \$25,000.00. (AEB-J)b nts mld	
6-22	Stip. respecting time to deposit monies w/Clerk, filed. v	
6-23	Order respecting deposit of monies and dismissal that Pltfs' motion to dismiss w/out prejudice be sustained only if Pltfs deposit \$25,000.00 cash w/Clerk of this Court on or before noon 6-30-76, which sum shall be used as attorneys fees, and further that if Pltfs do not deposit said \$25,000.00 w/the Clerk of this Ct. on or before such date, this action will be dismissed, w/prejudice to bringing of another action for the Defts, filed. (AEB-J) s cps. mld.	
7-9	Order, filed & entered, dismissing cause of action and complaint w/ prejudice as to defts. Jean Herzfeld, James H. Stowell, Sharp & Co., Jean C. McCoy, John E. Barbre, the Estate of Richard A. McGee, Elizabeth McGee, Executrix. (AEB-J)k cps mld	
7-21	Notice of appeal by plaintiffs from Order of 6/23/76, Minute Order of 6/22/76 and Order of 7/9/76, filed. rm (copy to counsel and USCA)	
8-24	Mot. and Order dismissing the appeal of the Pltfs., fld. (AEB-J)v -cps. mld.	

DATE	PROCEEDINGS	Date Order or Judgment Noted